

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HUGO ZALDANA, individually, and on  
behalf of all others similarly situated,

Plaintiff,

v.

KB HOME, et al.,

Defendants.


No. C-08-3399 MMC

**ORDER VACATING HEARING RE:  
DEFENDANTS' MOTIONS TO DISMISS**

Before the Court are the "Motion of Defendant KB Home to Dismiss Third Amended Complaint" and the "First American Defendants' Motion to Dismiss Third Amended Complaint," each filed October 1, 2009. Plaintiff Hugo Zaldana has filed opposition, to which defendants have replied. Having read and considered the papers filed in support of and in opposition to the motions, the Court deems the matters suitable for decision thereon, and VACATES the hearing scheduled for December 11, 2009.

**IT IS SO ORDERED.**

Dated: December 9, 2009

  
MAXINE M. CHESNEY  
United States District Judge